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09/703,171	10/31/2000	Aman Safaei	W1200-00034	9592

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EXAMINER

RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/04/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/703,171

Applicant(s)

SAFAEI ET AL. *an*

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 92-123 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-15, 17-25, 92-97, 100-106, 108-116, 122 and 123 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 16, 26-30, 98, 99, 107 and 117-121 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

In response to the Request for Continuing Examination (REC) filed October 9, 2003 in which the applicant has amended claims 1, 92, and 121, adds new claims 122 and 123, and claims 1-30 and 92-123 are pending in this office action.

### ***Claim Objections***

1. Claim 121 objected to because of the following informalities: the preamble of claim 121 is towards a system and therefore should be dependent on claim 120 and not 20. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 9-15, 17-25, 92-97, 100-106, 108-116, and 122-123 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner '981 in view of Garahi '291.

4. Brenner discloses a means for providing race entry data through a computer network to a user terminal having a listing of tracks, scheduled races, a means for providing race program data through the computer network to a user terminal, a means for providing live odds through a computer network, and a means for updating through a computer network (summary) as recited

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in claims 1 and 92; the race program data having program number (not shown) and post position for each current entry in each race (summary) as recited in claims 2 and 93; the race entry data further having morning line odds (column 18, line 51-61) as recited in claims 3 and 94; the entry data further having an original jockey and trainer for each entry and current entry as recited in claims 4 and 95; a means for providing a list of at least one past performance, at least one handicapping , or at least one tip selection or combination to a user on a user terminal (summary) as recited in claims 5 and 96; a means for charging a credit card of the user, a wagering account of the user, or a promotional account of the user (column 20, line 20-34) as recited in claim 6 and 97; a means for providing results data for currently scheduled races to a user terminal through the computer network after currently scheduled races have been made official and the results include finish order of entries from races and payoff for the entries on the user terminal (summary) as recited in claims 9 and 100; a means for providing a listing of a plurality of tracks and weather conditions for the tracks displayed on the user terminals (column 6, line 51 – 58) as recited in claims 10-12 and 101-103; a means for providing race contest new articles to the user on a user terminal (column 9, lines 11-31) as recited in claims 13 and 104; a user to view contents news articles selected by a user and displayed on a user terminal (column 9, lines 11-31) as recited in claims 14 and 105; A means for prompting a user for displaying post time for currently scheduled races and means for causing post times for currently scheduled races to be expressed in a time zone displayed on user terminal (figure 35 and column 22, line 47 – column 23, line 5) as recited in claim 15 and 106.

Brenner does not expressly disclose a listing of tracks at a future and a listing of currently scheduled races at each of the tracks for a current day as recited in claims 1 and 92; a means for

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providing a board having entries including a horse, jockey, or trainer, and a means for providing selected result identifying races including a horse, jockey, or a trainer entries as recited in claims 17 and 108; a means for causing the search result to be organized by a plurality of headings as recited in claims 18 and 109; a means for prompting the user to select a horse, a jockey, or a trainer for providing statistical data for horse, jockey, or trainer selected by user on a user terminal as recited in claims 19 and 110; a means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time and prompting a user at least one race characteristic (post-time) on a user terminal as recited in claims 20 and 111; race characteristic includes a plurality of headings as recited in claims 21 and 112; a means for prompting user to organize search result according to a race characteristics and a means for causing the search results to be organized by a race characteristics select by the user on a user terminal as recited in claims 22 and 113; a means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time, prompting the user to organized the listing by at least one race characteristic and the a means for causing the listing to be organized by race characteristics selected by the user on a user terminal as recited in claims 23 and 114; the race characteristic include a plurality of headings as recited in claims 24 and 115; a means for prompting the user to search the listing for race having at least one race characteristic and a means for causing the listing to be searchable for races having a race characteristic selected by the user on a user terminal as recited in claims 25 and 116; the computer network includes the Internet as recited in claims 122 and 123.

Garahi teaches a listing of tracks at a future and a listing of currently scheduled races at each of the tracks for a current day (paragraphs 93-94) as recited in claims 1 and 92; a means for

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providing a board having entries including a horse, jockey, or trainer, and a means for providing selected result identifying races including a horse, jockey, or a trainer entries (figures 3-9 and 12) as recited in claims 17 and 108; a means for causing the search result to be organized by a plurality of headings (figures 3-9 and 12) as recited in claims 18 and 109; a means for prompting the user to select a horse, a jockey, or a trainer for providing statistical data for horse, jockey, or trainer selected by user on a user terminal (figures 3-9 and 12) as recited in claims 19 and 110; a means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time and prompting a user at least one race characteristic (post-time) on a user terminal (figures 3-9 and 12) as recited in claims 20, 23, 111, and 114; race characteristic includes a plurality of headings (figures 3-9 and 12) as recited in claims 21 and 112; a means for prompting user to organize search result according to a race characteristics and a means for causing the search results to be organized by a race characteristics select by the user on a user terminal (figures 3-9 and 12) as recited in claims 22 and 113; a means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time, prompting the user to organized the listing by at least one race characteristic and the a means for causing the listing to be organized by race characteristics selected by the user on a user terminal (figures 3-9 and 12) as recited in claims 23 and 114; the race characteristic include a plurality of headings as recited in claims 24 and 115; a means for prompting the user to search the listing for race having at least one race characteristic and a means for causing the listing to be searchable for races having a race characteristic selected by the user on a user terminal (figures 3-9 and 12) as recited in claims 25 and 116; the computer network includes the Internet (figure 2 and paragraph 31) as recited in claims 122 and 123. By

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having future race data available for wagering, searchable criteria, and Internet capability, one of ordinary skill in the art would allow users a more interactive parimutuel wagering system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Brenner to include a listing of tracks at a future day, a listing of currently scheduled races at each of the tracks for a current day, and capability of searching and organizing according to user-specified criteria, and with Internet capability as taught by Garahi. To do so would allow users a more interactive parimutuel wagering system

#### *Allowable Subject Matter*

5. Claims 7-8, 16, 26-30, 98-99, 107, 117-121 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hindman '540, DeWeese '209, and Thomas '975 all disclose different types of interactive parimutuel wagering.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

402  
Apr



S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
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